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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 LEO DURDEN,

7 Plaintiff,

8 v.

9 GEICO ADVANTAGE INSURANCE
10 COMPANY,

11 Defendant.

12 C17-651 TSZ

13 MINUTE ORDER

14 The following Minute Order is made by direction of the Court, the Honorable
15 Thomas S. Zilly, United States District Judge:

16 (1) Defendant's Motion for Summary Judgment re Coverage Exclusion for
17 Racing, docket nos. 54, 63, is DENIED. Genuine disputes of material fact exist regarding
18 whether Plaintiff was "racing" at the time of the automobile accident in question.

19 (2) Plaintiff's Motion for Partial Summary Judgment to Strike Affirmative
20 Defense re: Racing, docket no. 66, is DENIED. Even under the narrow definition of
21 "racing" advanced by Plaintiff, disputed material facts preclude summary judgment.
22 Defendants offer the testimony of numerous eye-witnesses to the events surrounding the
23 accident, all of whom believe that Plaintiff was racing at the time of the crash,
 notwithstanding his testimony to the contrary.

24 (3) The parties are directed to mediate by January 15, 2019, pursuant to
25 LCR 39.1(c).

26 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
27 record.

28 Dated this 17th day of December, 2018.

29 William M. McCool
30 Clerk

31 s/Karen Dews
32 Deputy Clerk